IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 411 of 2006 (S/B)

Ghanshyam Agarwal S/o Sri Ram Mohan Agarwal,
Presently posted as Assistant Engineer,
Uttaranchal Jal Sansthan,
At Mansi, District Almora. …… Petitioner

Versus

1. State of Uttaranchal,
   through Secretary (Pey Jal),
   Dehradun.
2. Mukhya Maha Prabandhak,
   Uttaranchal Jal Sansthan "Jal Bhawan",
   Nehru Colony, Dehradun.
3. Maha Prabandhak,
   Uttaranchal Jal Sansthan,
   Kumaun Mandal, Nainital.
4. Superintending Engineer,
   Uttaranchal Jal Sansthan, Almora.
5. Executive Engineer,
   Uttaranchal Jal Sansthan,
   Ranikhet, Almora. ……. Respondents

Mr. Arvind Vashishth, Advocate for the petitioner.
Mr. N.B. Tewari, Addl. Advocate General / Chief Standing Counsel for respondent No. 1.
Mr. Rakesh Thapliyal, Advocate for respondent No. 2.
Mr. J.P. Joshi, Advocate for respondents Nos. 3 to 5.

JUDGEMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble J.C.S. Rawat, J.

RAJEEV GUPTA, C. J. (Oral)

Mr. Arvind Vashishth, Advocate for the petitioner.

Mr. N.B. Tewari, Addl. Advocate General / Chief Standing Counsel for respondent No. 1.

Mr. Rakesh Thapliyal, Advocate for respondent No. 2.

Mr. J.P. Joshi, Advocate for respondents Nos. 3 to 5.

2. Mr. N.B. Tewari, Mr. Rakesh Thapliyal and Mr. J.P. Joshi, the learned counsel for the respondents have raised a preliminary

objection about the maintainability of the writ petition on the ground that the petitioner has an alternative efficacious remedy of filing a claim petition before the Public Services Tribunal.

3. In this view of the matter, Mr. Arvind Vashishth, the learned counsel for the petitioner seeks permission to withdraw the writ petition with the liberty of filing a claim petition before the Public Services Tribunal.

4. Permission granted.

5. With the above liberty, the writ petition is dismissed as withdrawn.

6. Consequently, CLMA No. 15638 of 2006 also stands dismissed as withdrawn.

(J.C.S. Rawat, J.) **(Rajeev Gupta, C. J.)**
23.02.2007 23.02.2007

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